



## LOST NATION-NEW LANDING RCD

### December 10, 2013 Time: 7:00PM

**I. Call to Order – Glenn called the meeting to order at 7:02PM.**

**Board Members Present –**

Glenn Baldwin – President

Marty Portner – Vice President

Steve Larry – Member at Large

**Board Members Absent –**

John Harris – Secretary

Tim Spelde – Member at Large

**II. Motion to Approve the Agenda –** Marty motioned to approve the agenda and Steve seconded the motion. The board approved the motion unanimously by roll-call vote. [11-13-01]

**III. Motion to Approve the 11/12/13 Minutes -** Marty motioned to approve the 11/12/13 minutes and Steve seconded the motion. The motion was approved with Glenn and Marty for it and Steve abstaining from the vote. [11-13-02]

**IV. Motion to Approve the Treasurer's Report –** Glenn asked Marty about the status of the security cameras and Marty said that it is pretty much all finished. The security personnel also bought a camera tester that Marty had taken out of his per diem to keep under budget. Steve asked about Sassaman Construction and the five loads that they delivered and Glenn said that it was the concrete for creek below the emergency spillway. Steve motioned to approve the treasurer's report and Marty seconded the motion. The board approved the motion unanimously by roll-call vote. [11-13-03]

**V. Directors Reports**

**A. Glenn Baldwin -** Glenn said that they were going to get dinner gift cards for Becky, Shawn & Gene as an end of year thank you.

**B. Marty Portner –** Last month, Marty had said that he would be getting a list of questions ready for Joe Rush, our lake manager; however, he hasn't gotten to that yet. Marty and Becky have been trained on the use of the security system and he would like Tim to be trained on it as well. Marty made an announcement at the last social event that the cameras were in operation.

**C. Steve Larry –** The grant project is underway. Steve received the contract, certificate of insurance and bond agreement from Martin and Co. and will run the bond agreement by Dick Baumann to make sure it is in order before he signs the contract. There will be a meeting on Hay Rd. with J.U.L.I.E. tomorrow.

**VI. Old Business**

**A. LLUD - ½ of Winterland Invoice for Covering Water Main Pipe - \$736.13 –** The RCD board voted at the last meeting not to pay ½ of the LLUD invoice for covering their water main pipe. Marty said that he was surprised that this was on this month's agenda as he thought that since the motion not to pay the bill last week wasn't valid due to it not following the rules of the open meetings act that they should have paid it. Glenn said that at the time that

the motion was made there were only four active members of the board and so questioned whether the open meetings act referring to a five-member board pertained. Glenn had planned to offer a deal to Tom Wendling that the RCD wouldn't charge them rent for using the building if they would handle that and Tom said that the LLUD doesn't charge the RCD for water and sewer usage of the building. Steve said that at the time of the vote he was not a board member. He asked Tom if the LLUD paid the bill to Winterland and Tom said that they paid half of it in good faith. Tom said that their lawyer said that they really don't have to pay anything because under the Illinois Waterways act, the ILCS statute under which the RCD is formed, and the recommendation of Wendler Engineering it was the RCD's responsibility but because they went ahead and encased the pipe in concrete as recommended and paid ½ of it as a good faith gesture. Steve said that he understands what Tom is saying and knows that he is an honest guy but the RCD didn't have a chance at all to get engaged prior to the work being contracted out and because of the other work that the RCD had done on the ditch beyond the spillway for just under \$2,500, they can't pay the contractor outright for the work that he did otherwise they would go over the amount that they hit that requires that they go out to bid. Instead, if the LLUD paid the entire bill, the RCD could reimburse them ½ of what they paid the contractor. Tom said that he understands that but that he has an obligation as a representative of the LLUD to protect the interests of the community and his choice to repair that water main immediately, based on Dick Bauman's recommendation, potentially saved the community \$30,000-50,000. Steve said that the RCD didn't hire Dick Bauman to make that determination, the LLUD did. Marty said that actually, he was the one that called Dick and asked him to be at that meeting and asked Dick to give him a written recommendation on fixing the pipe. Steve asked if Marty was acting on behalf of the RCD and Marty said yes, he was acting for the RCD in terms of the agreement that he made with Dick Baumann. Marty said that there is a legal opinion on the table (the only one by the way) that said that the RCD is responsible for the damage to the pipe. Steve said that once they found that the RCD was responsible for the pipe, they should have walked away from it and had the RCD contract the job. Marty said that is was an emergency situation and as Tom had said, they saved themselves from a potentially expensive repair. Glenn said that they got a legal opinion quickly and Tom said yes, they sought a legal opinion because they were dealing with a waterway on RCD land and wanted to know their legal standing. Winterland said that the job that was done on the pipe was different from the work that was done on the ditch below the emergency spillway. Steve said that he believes that the LLUD does have a legal standing and that there was a lot of miscommunication that occurred. He also believes that since the LLUD contracted Winterland to perform the work covering the pipe that they owe him the full amount of the job no matter what the outcome, however, he also believes that if the LLUD pays the bill then the RCD can reimburse the LLUD the money and still comply with their statutes. Glenn said that if the LLUD pays Jeff for the pipe, since they are two different projects, if they reimburse the LLUD for the \$736.13 they would still be in compliance with their ordinance. Glenn said that he'll have Becky write the reimbursement check to the LLUD tomorrow.

## **VII. New Business**

### **A. Motion to Approve Amend. # [12-13-04] Modification of Chapter 2, Section H. –Voting – Tabled**

## **VIII. Guests Comments – no comments**

## **IX. Motion to Adjourn the Meeting – Marty voted to adjourn the meeting at 7:31PM and Steve seconded the motion. The board approved the motion unanimously. [12-13-04]**

#### December 12, 2013 Motion List

1. Marty motioned to approve the agenda and Steve seconded the motion. The board approved the motion unanimously by roll-call vote. [11-13-01]
2. Marty motioned to approve the 11/12/13 minutes and Steve seconded the motion. The motion was approved with Glenn and Marty for it and Steve abstaining from the vote. [11-13-02]
3. Steve motioned to approve the treasurer's report and Marty seconded the motion. The board approved the motion unanimously by roll-call vote. [11-13-03]
4. Marty voted to adjourn the meeting at 7:31PM and Steve seconded the motion. The board approved the motion unanimously. [12-13-04]